



Paper No. 10

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JUN 18 2003

OFFICE OF PETITIONS

In re Application of
Mears, et al.
Application No. 09/400,320
Filed: September 21, 1999
Attorney Docket No. 37770
For: CONTACT CENTER SYSTEM CAPABLE
OF HANDLING MULTIPLE MEDIA TYPES OF
CONTACTS AND METHOD FOR USING THE
SAME

DECISION
ON PETITION
37 CFR 1.47

This is a decision on the petition filed February 28, 2003, under 37 CFR 1.47(a).

The petition is **DISMISSED AS MOOT**.

The petition under 37 CFR 1.47(a) has been proffered due to the inability to obtain the signature of two of the named inventors on a declaration filed under 37 CFR 1.131.

However, 37 CFR 1.47 (and a petition thereunder) is only applicable to the initial filing, and PTO acceptance, of an application wherein one or more of the named inventors refuses to sign, or cannot be located so as to sign, the oath or declaration filed under 37 CFR 1.63. Where, as here, all the named inventors have executed the original oath or declaration under 37 CFR 1.63, 37 CFR 1.47 has no relevance to the application. See MPEP 201.03(b); 409.03.

Rather, MPEP 715.04 applies to the situation in hand and notes in pertinent part that (1) an affidavit or declaration filed under 37 CFR 1.131 may be signed by less than all the named inventors when the signing inventors are in fact the inventors of the subject matter of the of the claim(s) under rejection, or (2) if it is shown that a joint inventor of the claimed invention cannot be reached or refuses to sign, the signature(s) of the remaining inventor(s) is/are sufficient, provided that the declaration under 37 CFR 1.131 shows completion of the invention by all the joint inventors of the claimed subject matter, or (3) the assignee of the entire interest may make the declaration under 37 CFR 1.131.

Accordingly, the file is being returned to Technology Center AU 2642 for treatment of the showing under 37 CFR 1.47(a) as part of a showing under the practice of MPEP 715.04, for acceptance of the declaration under 37 CFR 1.131, signed by less than all the named inventors.

Inquiries regarding this communication may be directed to the undersigned at (703) 308-6712.

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